

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1290 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE K.M.MEHTA

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

SHANTILAL PARBATBHAI

BHADAJAHAI

Versus

JUNAGADH DISTRICT PANCHAYAT

Appearance:

MR ANSHIN H DESAI for Petitioner

CORAM : MR.JUSTICE K.M.MEHTA

Date of decision: 14/12/2000

ORAL JUDGEMENT

Shantilal Parbatbhai Bhadajahai-petitioner
(original plaintiff) has filed this revision application
under Section 115 of the Civil Procedure Code,
challenging the judgement and order dated 16.11.2000
passed by the learned District Judge, Junagadh, in Civil
Misc. Appeal No. 134 of 1997 filed by the District

Panchayat and others-appellants (original defendants) by which the learned judge was pleased to allow the appeal. The learned thereby vacated injunction order dated 14.7.1997 passed in Regular Civil Suit No. 317 of 1997 by which the learned judge granted injunction against suspension order dated 24-27/6/1997.

2. The petitioner was appointed as Talati-cum-Mantri. The Deputy District Development Officer, District Panchayat, Junagadh, respondent No. 2, passed order on 24.7.1997 suspending services of the plaintiff.

3. Being aggrieved and dissatisfied with the aforesaid order of suspension the plaintiff filed Civil Suit No. 317 of 1997 on 2.7.1997. Along with the said suit, an injunction application was filed restraining the District Panchayat from implementing the said suspension order.

4. The Joint Civil Judge (S.D.), Junagadh, by his judgement and order dated 14.7.1997 was pleased to grant interim injunction restraining the panchayat from implementing the said suspension order.

5. Being aggrieved and dissatisfied with the aforesaid order, the original defendants-Junagadh District Panchayat and Dy. District Development Officer preferred an appeal being Civil Miscellaneous Appeal No. 134 of 1997 in the District Court at Junagadh. The District Judge by his judgement and order dated 16.11.2000 was pleased to allow the appeal and quashed and set aside the order of injunction in this behalf. The learned judge relied on several judgements for coming to the said conclusion.

6. Being aggrieved and dissatisfied with the aforesaid order original plaintiff-petitioner herein filed the present revision application before this court on 7.12.2000. Mr. Desai, learned advocate, contended that the order of the District Judge allowing the appeal is a non-speaking order and passed without considering the relevant documents annexed to the plaint and without considering the arguments of the petitioner as no reason has been given while disturbing the finding of the trial court. The learned advocate further submitted that though the suspension order has been passed, no departmental inquiry has been initiated against the petitioner nor any notice has been given to the petitioner and it is not proper to put the petitioner under suspension.

7. I have considered the judgement of the trial court, appellate court and also the submissions made by the learned advocate for the petitioner. After considering the contentions of the learned counsel for the petitioner, I do not see any reason to interfere with the order of the District Judge wherein the learned judge has vacated the interim injunction granted by the trial court in connection with the suspension of the petitioner. The learned District Judge had considered various judgements in this behalf. In view of the same, I do not see any reason to interfere with the order of the District Judge. There is no jurisdictional error committed by the learned Judge. The petitioner is under suspension and he cannot get injunction from the lower court in this behalf. The revision application is therefore rejected.

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